

CONSENT,PRO_SE,CIVIL,CLOSED

U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:18-cv-00431-KJN

(PS) Clavito v. U.S. Department of Veterans' Affairs
Assigned to: Magistrate Judge Kendall J. Newman
Cause: 05:552 Freedom of Information Act

Date Filed: 02/26/2018
Date Terminated: 12/10/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Jaime Y. Clavito**

represented by **Jaime Y. Clavito**
5100 N. Highway 99
#76
Stockton, CA 95212
619-348-8365
PRO SE

V.

Defendant**U.S. Department of Veterans' Affairs**

represented by **Lynn Trinka Ernce**
United States Attorney's Office
Civil Division/Defensive Litigation
Eastern District of California
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/26/2018	<u>1</u>	COMPLAINT against U.S. Department of Veterans' Affairs by Jaime Y. Clavito. (Attachments: # <u>1</u> Civil Cover Sheet) (Fabillaran, J) (Entered: 02/27/2018)
02/26/2018	<u>2</u>	MOTION to PROCEED IN FORMA PAUPERIS by Jaime Y. Clavito. (Fabillaran, J) (Entered: 02/27/2018)
02/27/2018		APPLICATION TO PROCEED IFP filed – Action Required. (Fabillaran, J) (Entered: 02/27/2018)
03/19/2018	<u>3</u>	FIRST AMENDED COMPLAINT against U.S. Department of Veterans' Affairs by Jaime Y. Clavito.(Becknal, R) (Entered: 03/20/2018)
04/03/2018	<u>4</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 4/3/2018 DENYING <u>2</u> Plaintiff's Motion to Proceed IFP; Within 28 days of this order, plaintiff shall pay the applicable filing fee; However, the court will entertain a request for a reasonable extension of time to pay the fee should such an extension be necessary; failure to timely pay the filing fee, or timely request an extension of time to do so, may result in dismissal of the action pursuant to FRCP 41(b). (Reader, L) (Entered: 04/03/2018)
04/03/2018		SERVICE BY MAIL: <u>4</u> Order on Motion to Proceed in forma pauperis, served on Jaime Y. Clavito. (Reader, L) (Entered: 04/03/2018)
04/09/2018		RECEIPT number #CAE200089172 \$400.00 Civil Filing Fee fbo Jaime Y. Clavito by Jaime Y. Clavito on 4/9/2018. [TEXT ONLY] (Reader, L) (Entered: 04/09/2018)

04/11/2018	<u>5</u>	SUMMONS ISSUED as to *U.S. Department of Veterans' Affairs* with answer to complaint due within *30* days. Attorney *Jaime Y. Clavito* *5100 N. Hwy 99* *#76* *Stockton, California 95212*. (Reader, L) (Entered: 04/11/2018)
04/11/2018	<u>6</u>	CIVIL NEW CASE DOCUMENTS ISSUED Initial Scheduling Conference set for 8/23/2018 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Attachments: # <u>1</u> Consent Form) (Reader, L) (Entered: 04/11/2018)
04/11/2018		SERVICE BY MAIL: <u>6</u> Civil New Case Documents, <u>5</u> Summons served on Jaime Y. Clavito. (Reader, L) (Entered: 04/11/2018)
04/23/2018	<u>7</u>	CONSENT to JURISDICTION of US MAGISTRATE JUDGE by Jaime Y. Clavito. (Mena-Sanchez, L) (Entered: 04/24/2018)
04/23/2018	<u>8</u>	SUMMONS RETURNED EXECUTED: U.S. Department of Veterans' Affairs served on 4/20/2018. (Mena-Sanchez, L) (Entered: 04/24/2018)
05/30/2018	<u>9</u>	ANSWER by U.S. Department of Veterans' Affairs. Attorney Ernce, Lynn Trinka added. (Attachments: # <u>1</u> Proof of Service)(Ernce, Lynn) (Entered: 05/30/2018)
08/15/2018	<u>10</u>	STATUS REPORT by U.S. Department of Veterans' Affairs. (Attachments: # <u>1</u> Proof of Service)(Ernce, Lynn) (Entered: 08/15/2018)
08/17/2018	<u>11</u>	CONSENT to JURISDICTION of US MAGISTRATE JUDGE by U.S. Department of Veterans' Affairs. (Attachments: # <u>1</u> Proof of Service)(Ernce, Lynn) (Entered: 08/17/2018)
08/17/2018	<u>12</u>	MINUTE ORDER issued by Courtroom Deputy A. Waldrop for Magistrate Judge Kendall J. Newman on 8/17/2018: On the Court's own motion, the 8/23/2018 Status (Initial Scheduling) Conference is VACATED. A formal written order will issue in this case. (TEXT ONLY ENTRY) (Waldrop, A) (Entered: 08/17/2018)
08/17/2018		SERVICE BY MAIL: 12 Minute Order served on Jaime Y. Clavito. (Waldrop, A) (Entered: 08/17/2018)
08/21/2018	<u>13</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 8/21/2018 STAYING Discovery in this action pending further order of the court. The VA shall file any motion for summary judgment within 60 days of this order. Plaintiff shall file any opposition to the motion for summary judgment no later than 14 days prior to the hearing date. The VA shall file its reply brief no later than 7 days prior to the hearing date. Upon resolution of the VA's motion for summary judgment, the court will issue a further scheduling order, if necessary. (York, M) (Entered: 08/21/2018)
08/21/2018	<u>14</u>	CONSENT ORDER signed by District Judge John A. Mendez on 8/17/2018 REASSIGNING and REFERRING Case to Magistrate Judge Kendall J. Newman for all proceedings and entry of final judgment. Any hearing dates currently set before Judge Mendez are VACATED. The case number on all future documents shall be: 2:18-cv-00431-KJN. (York, M) (Entered: 08/21/2018)
08/21/2018		SERVICE BY MAIL: <u>13</u> and <u>14</u> Orders served on Jaime Y. Clavito. (York, M) (Entered: 08/21/2018)
10/19/2018	<u>15</u>	MOTION to DISMISS for LACK of JURISDICTION by U.S. Department of Veterans' Affairs. Motion Hearing set for 12/6/2018 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Separate Statement of Undisputed Material Facts, # <u>3</u> Declaration of John W. Scott, # <u>4</u> Declaration of John W. Eaton, # <u>5</u> Declaration of Tracy Knight, # <u>6</u> Proof of Service) (Ernce, Lynn) (Entered: 10/19/2018)
10/22/2018	<u>16</u>	[DISREGARD- Attorney to refile with correct pdf] NOTICE to RESCHEDULE HEARING on <u>15</u> Motion to Dismiss : Motion Hearing set for 12/13/2018 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Ernce, Lynn) Modified on 10/22/2018 (Donati, J). (Entered: 10/22/2018)
10/22/2018	<u>17</u>	NOTICE to RESCHEDULE HEARING on <u>15</u> Motion to Dismiss for Lack of Jurisdiction: Motion Hearing set for 12/13/2018 at 10:00 AM in Courtroom 25 (KJN) before Magistrate Judge Kendall J. Newman. (Ernce, Lynn) (Entered: 10/22/2018)

10/22/2018	<u>18</u>	CERTIFICATE of SERVICE by U.S. Department of Veterans' Affairs re <u>17</u> Notice to Reschedule Hearing on Motion. (Ernce, Lynn) (Entered: 10/22/2018)
11/05/2018	<u>19</u>	OPPOSITION by Plaintiff Jaime Y. Clavito to <u>15</u> Motion to Dismiss for Lack of Jurisdiction. (Coll, A) (Entered: 11/06/2018)
12/06/2018	<u>20</u>	REPLY by U.S. Department of Veterans' Affairs to response to <u>15</u> Motion to Dismiss for Lack of Jurisdiction. (Attachments: # <u>1</u> Proof of Service)(Ernce, Lynn) Modified on 12/12/2018 (Zignago, K.). (Entered: 12/06/2018)
12/07/2018	21	MINUTE ORDER issued by Courtroom Deputy A. Waldrop for Magistrate Judge Kendall J. Newman on 12/7/2018: The hearing on the defendant's Motion to Dismiss (ECF No. <u>15</u>) now calendared for 12/13/2018 is ordered submitted without appearance and without argument pursuant to Local Rule 230 (g). The hearing date of 12/13/2018 is VACATED. If the Court subsequently concludes that oral argument or supplemental briefing is necessary, a hearing will be set and the parties notified accordingly. (TEXT ONLY ENTRY) (Waldrop, A) (Entered: 12/07/2018)
12/07/2018		SERVICE BY MAIL: 21 Minute Order served on Jaime Y. Clavito. (Waldrop, A) (Entered: 12/07/2018)
12/10/2018	<u>22</u>	ORDER DISMISSING CASE signed by Magistrate Judge Kendall J. Newman on 12/10/18 GRANTING <u>15</u> Motion to Dismiss. This action is dismissed for lack of subject matter jurisdiction. CASE CLOSED. (Coll, A) (Entered: 12/10/2018)
12/10/2018	<u>23</u>	JUDGMENT dated *12/10/18* pursuant to order signed by Magistrate Judge Kendall J. Newman on 12/10/18. (Coll, A) (Entered: 12/10/2018)
12/10/2018		SERVICE BY MAIL: <u>22</u> Order Dismissing Case and <u>23</u> Judgment served on Jaime Y. Clavito. (Coll, A) (Entered: 12/10/2018)
12/11/2018	<u>24</u>	SUR-REPLY by Plaintiff Jaime Y. Clavito re <u>20</u> Reply to <u>19</u> Opposition to <u>15</u> Motion to Dismiss. (York, M) (Entered: 12/11/2018)